

REMARKS

Claims 1-28 are pending in this application. By this Amendment, claims 23-29 are added, and claims 1-3, 5-8, 10-12, 14-16, 18-20 and 22 are amended to correct minor informalities, improve clarity and better conform to U.S. practice. Support for the newly added claims and the amendments to the claims may be found, for example, in the specification at page 2, lines 10-15, page 11, line 17 to page 12, line 13, and page 18, lines 14-16, and in the claims as originally filed. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Response to Restriction Requirement

Applicants provisionally elect newly added claims 23-29, with traverse.

National stage applications filed under 35 U.S.C. §371 are subject to unity of invention practice as set forth in PCT Rule 13, and are not subject to U.S. restriction practice. *See* MPEP §1893.03(d). PCT Rule 13.1 provides that an "international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept." PCT Rule 13.2 states:

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

A lack of unity of invention may be apparent "*a priori*," that is, before considering the claims in relation to any prior art, or may only become apparent "*a posteriori*," that is, after taking the prior art into consideration. *See* MPEP §1850(II), quoting *International Search and Preliminary Examination Guidelines* ("ISPE") 10.03. Lack of *a priori* unity of invention

only exists if there is no subject matter common to all claims. *Id.* If *a priori* unity of invention exists between the claims, or, in other words, if there is subject matter common to all the claims, a lack of unity of invention may only be established *a posteriori* by showing that the common subject matter does not define a contribution over the prior art. *Id.* Furthermore, unity of invention only needs to be determined in the first place between independent claims, and not the dependent claims. *See* ISPE 10.06:

The Office Action acknowledges that *a priori* unity of invention exists because all of the claims have a metal phthalocyanine derivative as a common technical feature. *See* page 2. The common technical feature of the claims goes well beyond the metal phthalocyanine derivative alone. In addition, the special technical feature includes an "allergen decomposer" common to independent claims 1, 6, 11, 15, 19, 23 and 28 where the allergen decomposer *comprises* the metal phthalocyanine derivative recited by the same.

Applicants respectfully submit that a lack of unity of invention may only be determined *a posteriori* by establishing that the claimed allergen decomposer is known in the prior art. *See* ISPE 10.07 and 10.08. JP A-61-258806, relied upon by the Office Action, does not teach or suggest an allergen decomposer comprising a metal phthalocyanine derivative. Rather, in the Abstract, JP A 61-258806 only discloses a polymeric material with semi-permanent deodorant function. The polymeric material carries metallic phthalocyanine.

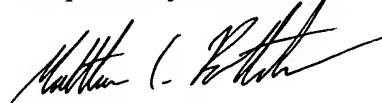
Because JP A-61-258806 fails to teach or suggest an allergen decomposer comprising a metal phthalocyanine derivative as recited by the claims, Applicants respectfully submit that the Office Action has failed to establish a *prima facie* lack of unity of invention. Thus, the restriction requirement is improper, and its withdrawal is respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claim 1-29 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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